

\*\*E-filed 2/16/07\*\*

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10 Attorneys for Plaintiff

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN JOSE DIVISION

14 SEAN GUESS, on behalf of himself and all  
15 others similarly situated,

16 Plaintiff,

17 v.

18 US BANCORP; US BANCORP  
INVESTMENTS; U.S. BANK N.A.; U.S.  
19 BANK d/b/a U.S. BANK HOME MORTGAGE;  
and DOES 1 through 10, inclusive,

20 Defendants.

21 Case No. C06-07535 JF

22 **STIPULATION AND [PROPOSED]  
23 ORDER CHANGING DATE OF  
24 INITIAL CASE MANAGEMENT  
25 CONFERENCE**

1                   WHEREAS, Plaintiff filed his Complaint on December 8, 2006;

2                   WHEREAS, Defendants filed a Notice of Motion and Motion to Dismiss the Ninth and  
3 Tenth Claims in Plaintiff's Complaint ("Motion to Dismiss") on February 7, 2007;

4                   WHEREAS a hearing on Defendants' Motion to Dismiss is scheduled for April 13, 2007 at  
5 9:00 a.m. in Courtroom 3;

6                   WHEREAS an Initial Case Management Conference is currently scheduled for March 16,  
7 2007 at 10:30 a.m., 5<sup>th</sup> Floor, San Jose;

8                   WHEREAS the parties agree that in the interest of efficiency, both appearances should be  
9 held contemporaneously;

10                  NOW THEREFORE, the parties hereby stipulate and agree as follows:

11                  1.       The Initial Case Management Conference will be rescheduled for April 13, 2007,  
12 either immediately preceding or following the hearing on Defendants' Motion to Dismiss.

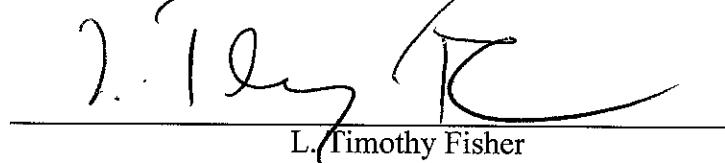
13                  2.       The Case Schedule – ADR Multi-Option Program will be modified as follows:

<u>Date</u>	<u>Event</u>	<u>Governing Rule</u>
21 days before CMC 3/23/07	Last day to: • Meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan • File ADR Certification signed by Parties and Counsel • File either Stipulation to ADR Process or Notice of Need for ADR Phone Conference	FRCivP 26(f) & ADR L.R.3-5  Civil L.R. 16-8(b) & ADR L.R. 3- 5(b)
7 days before CMC 4/6/07	Last day to complete initial disclosures or state objection in Rule 26(f) Report, file Case Management Statement, and file Rule 26(f) Report	Civil L.R. 16-8(c) & ADR L.R. 3- 5(b) & (c)  FRCivP 26(a)(1) & Civil L.R. 16-9
4/13/07	Initial Case Management Conference (CMC) in Courtroom 3, 5 <sup>th</sup> Floor, SJ at 9:00 a.m.	Civil L.R. 16-10

24                  IT IS SO STIPULATED.

1 Dated: February 15, 2007

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3   
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19 Attorneys for Plaintiff

20 Dated: February 15, 2007

21 WINSTON & STRAWN LLP

22 /s/ Joan B. Tucker Fife

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**ATTESTATION PURSUANT TO GENERAL ORDER 45**

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I, L. Timothy Fisher, attest that concurrence in the filing of this document has been obtained from each of the other signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 15<sup>th</sup> day of February 2007 at Walnut Creek, California.

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8

/s/ L. Timothy Fisher

L. Timothy Fisher

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\* \* \*

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**ORDER**

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

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2/16/07



JEREMY FOGEL  
UNITED STATES DISTRICT JUDGE

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